

#28792

**VOLUNTARY AGREEMENT CONCERNING ISSUANCE OF LICENSE
FOR SALE OF ALCOHOLIC BEVERAGES**

THIS AGREEMENT, made and entered into this 30TH day of AUGUST, 2000, by and between PLETTIZ, INC. / ERCELIAS, Trading as SANTA ROSA (hereinafter the "Applicant"), and Advisory Neighborhood Commission 1C and Kalorama Citizens Association hereinafter the ("Protestants"), witnesses:

Whereas Applicant has filed an application with the District of Columbia Alcoholic Beverage Control Board (hereinafter the "Board") for the renewal of a class "CR" License for the premises known as SANTA ROSA located at 2224 18TH ST, N.W., Washington, D.C.,

Whereas Protestants have filed before the Board protests opposing the granting of this renewal,

Whereas in recognition of the Board's policy of encouraging parties to a protested proceeding to settle their differences by reaching voluntary agreements, the Parties hereto desire to enter into a voluntary agreement whereby (1) Applicant will agree to adopt certain measures to address the Protestants' concerns and to include this agreement as a formal condition of its application, and (2) Protestants will agree to the issuance of the renewal of the license and withdrawal of the Protest, *provided* that such agreement is incorporated into the Board's order renewing the license, which order is thereby conditioned upon compliance with such agreement,

Whereas Applicant has recently taken or intends to take certain measures designed to ameliorate Protestants' concerns,

Now therefore, in consideration of the mutual covenants and undertakings memorialized herein, the Parties hereby agree as follows:

1. Hours. The hours of operation shall be:

	Mon.-Thurs.	Friday	Saturday	Sunday
Inside:	10:00 A.M. - 12:00 MIDNIGHT	10:00 AM -	3:00 AM	10:00 AM - 12:00 MIDNIGHT
Roof:			FRI. + SAT	

Patio(s): SAME AS ABOVE
SIDEWALK
If different from above, hours when alcohol will be served:

Inside: _____

Roof: _____

Patio(s): _____

2. Seating. Seating capacity will not exceed:

Interior tables: 80 Interior bar: 20 Patio(s) 8 : Roof: NONE

3. Noise/Music/Dancing. Applicant acknowledges familiarity with and will comply with noise-control provisions of District of Columbia law and regulations, including preventing emissions of sound, capable of being heard outside the premises, by any musical instrument or amplification device or other device or source of sound or noise, in accordance with DCMR 905. The doors and windows of the premises will be kept closed at all times during business hours when music is being played or a sound amplification device is being employed in the premises, except when persons are in the act of using the door for ingress to or egress from the premises. There shall be no music played on the roof.

4. Trash/garbage/rodents. Applicant shall maintain regular trash/garbage removal service, regularly remove trash from the trash and dumpster area, and see that the trash and dumpster area remain clean. Applicant shall deposit trash and garbage only in rodent-proof dumpsters, and shall see that dumpster covers fit properly and remain fully closed except when trash or garbage is being added or removed. Applicant will make every reasonable effort to eliminate food sources for rodents and eliminate the rat population.

5. Exterior including public space. (a) Applicant shall assist in the maintenance of the alleyway and the space in front of the establishment to at least 18 inches outward from the curb as needed to keep them free of trash and to remove snow and ice from the sidewalk and comply with all applicable D.C. laws and regulations in these respects. Applicant shall make every reasonable effort to prevent or disperse loitering or any other source of noise or disturbance in the areas in front or to the rear of the premises during business hours and at closing, and to cause patrons to leave those areas at closing.

(b) Applicant will provide for the proper removal of grease and fatty oils from the establishment and will not deposit grease or fatty oils in the dumpster.

6. Items specific to establishment.

THERE WILL BE NO OUTSIDE SPEAKER FOR THE FRONT PATIO

(Note: Be specific: locations, hours, soundproofing, etc.)

7. Bar/Pub Crawls. Applicant agrees not to promote or participate in bar or pub "crawls".

8. Consideration. Applicant will encourage employees and patrons to be considerate of neighboring residents at all times. Applicant will encourage employees leaving the establishment to keep conversations and noise down from 11:00 PM to 7:00 AM.

9. Modification. This agreement can be modified only by mutual agreement of all the parties. In the case of ANC 1C, if Applicant desires to modify the terms of this agreement, prior to implementing the changes Applicant shall receive written agreement from ANC-1C after a majority of the commissioners shall have voted in favor of the changes at a full public meeting.

10. Regulations. In addition to the foregoing, Applicant will operate in compliance with all applicable laws and regulations.

11. Withdrawal of protests. Protestants agree to the issuance of the renewal of the license and withdrawal of their Protest, *provided* that the present Voluntary Agreement is incorporated into the Board's order renewing the license, which order is thereby conditioned upon compliance with such Voluntary Agreement.

APPLICANT:

EXCISES' REST

Santa Rosa REST -

By: [Signature]

5-MANANA. RING CHAIRS,
PRESIDENT - VICTOR CANABAL

PROTESTANTS:

[Signature]

Advisory Neighborhood Commission 1C

By: LINDA E. SORLI
CHAIR

[Signature]
Kalorama Citizens Association.

By: DEMIS I. E. JAMES
LIQUOR LICENSING CHAIR FOR
KALORAMA CITIZENS ASSOCIATION

**BEFORE
THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD**

In the Matter of:

Pleitez, Inc.
t/a Ercilia's Restaurant

Case No. 28792-00101P

Application for a Retailer's License
CR - renewal application
at premises
2224 18th Street NW
Washington, D. C. 20009

Peter Schott, Vice-Chair, Advisory Neighborhood Commission 1C and Michael A. Gould, President, Kalorama Citizens Association, Protestants

Miguel Pleitez, President, on behalf of Pleitez, Inc., Applicant

**BEFORE: Roderic L. Woodson, Esquire, Chair
Vera Abbott, Member
Charles Burger, Member
Laurie Collins, Member
Judy Moy, Member
Ellen Oppenheimer, Esquire, Member
Audrey E. Thompson, Member**

ORDER ON WITHDRAWN PROTEST AND VOLUNTARY AGREEMENT

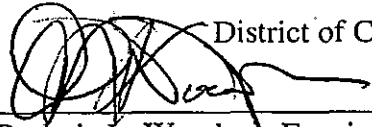
The application, having been protested, came before the Board for public hearing on August 16, 2000, in accordance with D. C. Code Section 25-115(c)(5)(1999 Supp.), providing for the protestants to be heard. Peter Schott, Vice-Chair, vice chair, on behalf of the Advisory Neighborhood Commission ("ANC") 1C, and Michael Gould, on behalf of the Kalorama Citizens Association, filed timely protest letters, dated July 31, 2000 and July 16, 2000, respectively.


Pleitez, Inc.
t/a Ercilia's Restaurant
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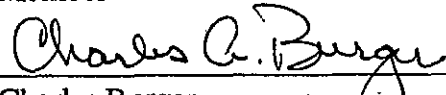
The official records of the Board reflect that the parties have now reached an agreement, which has been reduced to writing, and has been properly executed and filed with the Board. Pursuant to the agreement dated August 30, 2000, the Protestants have agreed to withdraw the opposition, provided however, the Board's approval of the pending application is conditioned.

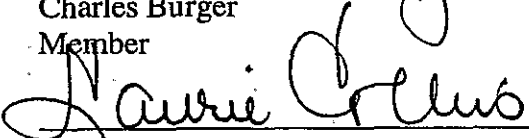
Accordingly, it is this 31st day of January 2001, **ORDERED** that:

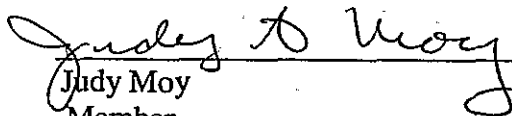
1. The opposition of the ANC IC and the Kalorama Citizens Association, be, and the same hereby, is **WITHDRAWN**;
2. The above- referenced agreement between the parties, be, and the same hereby, is **INCORPORATED** as part of this **ORDER**;
3. The application of Pleitez, Inc. t/a Ercilia's Restaurant , for a retailer's class CR renewal license at premises 2224 18th Street NW, Washington, D.C., be, and the same hereby, is **GRANTED**; and,
4. Copies of this Order shall be sent to the Protestants and the Applicant.



District of Columbia Alcoholic Beverage Control Board
Roderic L. Woodson, Esquire
Chair


Vera Abbott
Member


Charles Burger
Member


Laurie Collins
Member


Judy Moy
Member


Ellen Oppenheimer, Esquire
Member


Audrey E. Thompson
Member